

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56207 of 2023

Arising Out of PS. Case No.-670 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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NANDKISHORE DAS SON OF BACHU DAS RESIDENT OF VILLAGE
-CHINTAMANPUR, PS- PIPRA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. BASMATI DEVI WIFE OF LATE VILAS DAS RESIDENT OF
VILLAGE- AMBA TIKULIYA, PS- PIPRA, DISTT- EAST CHAMPARAN
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-12-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Section 406 of the Indian Penal
Code and Section 138 of the N.I. Act.

3.As per allegation in the FIR, petitioner has taken
consideration amount of Rs. 11,03,500/- from the complainant
regarding execution of a sale deed but neither he had executed the
sale deed nor he has returned her money back.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. This matter is
purely a civil nature dispute. In fact, the complainant and her son



Chotan Das are themselves a land broker and petitioner wanted to purchase a piece of land and for that he has given Rs. 2,03,500/- cash to the complainant and issued cheque of Rs. 9,00,000/- in her favour as advance, but the complainant and her son refused to sale the said land and got the said cheque dishonored and filed this false case. It is further submitted that complainant has not produced any documents to substantiate the allegation of giving Rs. 11,03,500/- to the petitioner. Petitioner is languishing in judicial custody since 20.05.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Tial No. 1752 of 2022 arising out of Complaint Case No. 670 of 2021.

(Sunil Kumar Panwar, J)

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